IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:22-CV-00054-RJC-DSC

MATTHEW A. JOHNSON et. al.,)
Plaintiffs,)))
v.	ORDER
SMITH & NEPHEW INC.,)))
Defendant.)

THIS MATTER is before the Court on Defendant's "Motion to Dismiss ..." (document #6) filed February 16, 2022, and Plaintiffs' "Amended Complaint" (document #8) filed February 28, 2022.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." Id.

Plaintiffs filed their Amended Complaint as of right twelve days following receipt of Defendant's Motion to Dismiss.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier,

238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

- 1. Defendant's "Motion to Dismiss ..." (document #6) is administratively **DENIED** as moot without prejudice.
- 2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: March 3, 2022

David S. Cayer

United States Magistrate Judge